

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

C. DOV SACKS	:	CIVIL ACTION
	:	NO. 12-284
v.	:	
	:	
DJA AUTOMOTIVE d/b/a	:	
KIA OF WEST CHESTER	:	
	:	

ORDER

And now, this 18th day of January, 2013, upon consideration of defendant DJA Automotive d/b/a Kia of West Chester's motion for summary judgment (Dkt. No. 9), plaintiff C. Dov Sacks's opposition (Dkt. No. 11), defendant's reply (Dkt. No. 12), defendant's supplemental memorandum of law (Dkt. No. 24) and plaintiff's supplemental response (Dkt. No. 27), it is ORDERED that defendant's motion is DENIED.

Upon consideration of plaintiff's motion for leave to file an amended complaint (Dkt. No. 18), defendant's response thereto (Dkt. No. 19) and plaintiff's reply (Dkt. No. 21), it is ORDERED that plaintiff's motion is GRANTED. The Clerk is directed to file plaintiff's amended complaint of record. Defendant shall file an answer to the amended complaint on or before January 25, 2013.

It is further ORDERED that:

- (1) The parties shall complete any additional discovery with respect to plaintiff's newly asserted fraud claim on or before February 15, 2013.
- (2) Also on or before February 15, 2013, the parties shall file any dispositive motions. Responses to any such motions shall be filed on or before March 4, 2013.

- (3) This matter is removed from arbitration and is listed for trial to commence on Monday, April 8, 2013 at 10:00 AM in Courtroom 4A of the United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania.
- (4) Motions in limine or other matters requiring the Court's attention, if any, are to be filed no later than March 18, 2013. Responses to any such motions shall be filed on or before March 27, 2013; and
- (5) Pretrial memoranda, points for charge and verdict sheets should be filed no later than March 18, 2013.

If the parties believe a settlement conference before U.S. Magistrate Judge L. Felipe Restrepo would be productive they should contact my deputy, Mr. Charles Ervin (267-299-7559) promptly.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.